REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 38-50 have been amended. Support for the amendments is provided for example in the specification on page 23, line 13, through page 25, line 3.

Claims 38, 39, 42-47 and 50 were rejected, under 35 USC §103(a), as being unpatentable over Mohebbi (US 6,889,046) in view of Nakajima et al. (US 5,940,769). Claims 40, 41, 48, and 49 were rejected, under 35 USC §103(a), as being unpatentable over Mohebbi (US 6,889,046) in view of Nakajima et al. (US 5,940,769) and Parkvall et al. (US 6,542,736). To the extent these rejections may be deemed applicable to the amended claims, the Applicants respectfully traverse based on the points set forth below.

Claim 38 defines a transmission system having a communication terminal and a plurality of base stations. The recited communication terminal now communicates: (1) acknowledgment or negative acknowledgment (ACK/NACK) information to the base stations indicating whether an error was detected in a received packet, (2) request packet number information indicating the packet number of a packet that is requested to be communicated in a next transmission unit, and (3) base station selection information indicating a selected base station. Each base station now determines a transmission target-packet based on the received ACK/NACK information and the requested packet number information and, if selected according to the base station selection information, communicates the determined packet to the selected communication terminal.

The claimed subject matter provides an advantage of enabling all base stations communicating with a communication terminal to know the number of the next packet to be

transmitted to the communication terminal. Thus, as the propagation environment changes during the communication of a series of packets and different base stations are selected to communicate some of the packets, each of the selected base stations will know which packet in the series is to be communicated next (see paragraphs [0027] and [0028] of the specification). (References herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

The Office Action acknowledges that Mohebbi does not disclose communicating packet identifying information from a mobile station to a base station (see Office Action page 4, fourth paragraph). To overcome this deficiency, the Office Action proposes that Nakajima discloses a base station that retransmits a packet when a NAK signal is received from a communication terminal and transmits a next packet within a sequence when an ACK signal is received (see page 4, second to last paragraph, through page 5, first paragraph).

However, Nakajima does not disclose the subject matter now recited in claim 38 of communicating packet number information of a packet that a communication terminal requests a base station to communicate in a next transmission unit. The claimed subject matter communicates both: (1) positive or negative acknowledgment information indicating whether an error was detected in a received packet and (2) information indicating the packet number of the packet to be communicated in the next transmission unit. Even if assuming *arguendo* Nakajima were to be deemed as disclosing feature (1), as proposed in the Office Action, Nakajima does not disclose the combination of features (1) and (2).

Thus, the combined teachings of Mohebbi and Nakajima would not support a system in which each of a plurality of base stations communicating with a communication terminal would

recognize, from a single feedback message, which packet the communication terminal wishes to receive in a next transmission unit, as does the claimed subject matter. Instead, the base stations taught by Mohebbi and Nakajima would have to keep track of all communicated downlink packets and all feedback ACKs/NACKs to determine which packet is to be communicated next, which would be difficult or impossible for a communication terminal potentially moving in and out of range for some of the base stations.

The claimed subject matter supports distributing packet scheduling functionality among a plurality of base stations. Since each base station may have no direct knowledge of the packets other base stations have sent to a communication terminal, the claimed communication terminal provides each of the base stations with information indicating the packet number of the packet to be sent next and a selected base station communicates the indicated packet. Mohebbi and Nakajima fail to disclose these features.

Accordingly, the Applicants submit that the teachings of Mohebbi and Nakajima, considered individually or in combination, do not render obvious the subject matter now defined by claim 38. Independent claim 46 now similarly recites the above-mentioned subject matter distinguishing apparatus claim 38 from the applied references, but does so with respect to a method. Independent claims 43 and 44 recite the above-mentioned distinguishing subject matter of the base station apparatus and communication terminal apparatus, respectively. Therefore, the rejections applied to claims 40, 41, 48, and 49 are obviated and allowance of claims 38, 43, 44, and 46 and all claims dependent therefrom is deemed to be warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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